

RESOLUTION NO. A-_____

SPECIAL PERMIT NO. 1813A

1 WHEREAS, Nebraska Nurseries, Inc. has submitted an application
2 designated as Special Permit No. 1813A for authority to amend The Preserve on
3 Antelope Creek Community Unit Plan to waive the rear setback requirements for Lots
4 20-42, Block 1, adjacent to Antelope Creek on property generally located at S. 80th
5 Street and Pioneers Blvd., and legally described to wit:

6 A tract of land consisting of portions of Lot 51 and a portion
7 of Lot 57 Irregular Tracts, and The Preserve on Antelope
8 Creek, Lots 1 and 2, and The Preserve on Antelope Creek
9 1st Addition, Lots 1 through 36, Block 1, Lots 1 through 20,
10 Block 2, and Outlots A through F, and The Preserve on
11 Antelope Creek 2nd Addition, Lots 1 through 5 and Outlots A
12 through E, and The Preserve on Antelope Creek 3rd
13 Addition, Lot 1 and Outlot A, and The Preserve on Antelope
14 Creek 4th Addition, Lots 1 through 20 and Outlots A and B,
15 and The Preserve on Antelope Creek 5th Addition, Lots 1
16 and 2, and The Preserve on Antelope Creek 6th Addition,
17 Lots 1 through 9 and Outlots A and B, all surveyed, platted
18 and recorded in Lancaster County, Nebraska and all located
19 in the Northeast Quarter of Section 10, Township 9 North,
20 Range 7 East of the 6th P.M., Lancaster County, Nebraska,
21 being more particularly described as follows:

22 Beginning at the southwest corner of Lot 54 of said Quarter
23 Section; thence north 89 degrees 21 minutes 34 seconds
24 east along the south line of said Lot 54, a distance of 200.19
25 feet to the east line of said Lot 54; thence north 00 degrees
26 11 minutes 13 seconds west on said line, a distance of
27 259.93 feet to the south right-of-way line of Pioneers
28 Boulevard; thence north 89 degrees 20 minutes 29 seconds
29 east on said line, a distance of 600.59 feet to the east line of
30 Lot 57 of the aforesaid Northeast Quarter of Section 10;
31 thence south 00 degrees 11 minutes 52 seconds east on
32 said line, a distance of 2133.34 feet; thence south 00

degrees 13 minutes 54 seconds east on said line, a distance of 456.67 feet; thence on the southerly and westerly lines of said Lot 57 for the next four courses; north 89 degrees 58 minutes 22 seconds west, a distance of 52.68 feet; north 15 degrees 39 minutes 36 seconds west, a distance of 425.55 feet; north 61 degrees 34 minutes 23 seconds west, a distance of 1398.97 feet; north 31 degrees 42 minutes 49 seconds west, a distance of 481.67 feet to the west line of said Lot 57, said line also being the east line of Outlot "A", Pioneer Subdivision, a subdivision as platted and recorded in Lancaster County, Nebraska; thence north 00 degrees 16 minutes 08 seconds east on said line, a distance of 203.46 feet; thence south 89 degrees 43 minutes 52 seconds east, a distance of 73.06 feet; thence north 79 degrees 07 minutes 47 seconds east, a distance of 70.38 feet; thence south 86 degrees 37 minutes 54 seconds east, a distance of 84.78 feet; thence south 66 degrees 20 minutes 00 seconds east, a distance of 78.47 feet; thence north 55 degrees 16 minutes 54 seconds east, a distance of 154.09 feet to a point on a curve; thence northwesterly along a curve to the left having a radius of 292.55 feet and a central angle of 15 degrees 30 minutes 27 seconds, an arc distance of 79.18 feet (chord = 78.94 feet, chord bearing = north 49 degrees 52 minutes 30 seconds west) to a point of reverse curvature; thence northwesterly along a curve to the right having a radius of 420.40 feet and a central angle of 19 degrees 46 minutes 13 seconds, an arc distance of 145.06 feet (chord = 144.34 feet, chord bearing = north 47 degrees 44 minutes 38 seconds west) to a point of tangency; thence north 37 degrees 51 minutes 31 seconds west, a distance of 48.41 feet to a point of curvature; thence northwesterly along a curve to the left having a radius of 144.27 feet and a central angle of 52 degrees 16 minutes 35 seconds, an arc distance of 131.63 feet (chord = 127.11 feet, chord bearing = north 63 degrees 59 minutes 49 seconds west) to a point of tangency; thence south 89 degrees 51 minutes 54 seconds west, a distance of 16.99 feet to a point of curvature; thence northwesterly along a curve to the right having a radius of 95.82 feet and a central angle of 46 degrees 31 minutes 36 seconds, an arc distance of 77.81 feet (chord = 75.69 feet, chord bearing = north 66 degrees 52 minutes 18 seconds west) to a point of tangency; thence north 43 degrees 36 minutes 30 seconds west, a distance of 37.54 feet to the aforesaid west line of Lot 57; thence north 00 degrees 16 minutes 08 seconds east on said line, a distance of 59.13

1 feet; thence south 89 degrees 46 minutes 35 seconds east,
2 a distance of 166.69 feet; thence north 66 degrees 33
3 minutes 19 seconds east, a distance of 289.31 feet; thence
4 north 37 degrees 33 minutes 31 seconds east, a distance of
5 76.97 feet; thence north 89 degrees 48 minutes 08 seconds
6 east, a distance of 183.77 feet; thence north 00 degrees 49
7 minutes 59 seconds west, a distance of 31.82 feet to a point
8 on the south line of Lot 55 of said Quarter Section; thence
9 north 89 degrees 21 minutes 34 seconds east along said
10 south line of Lot 55, a distance of 176.68 feet to the point of
11 beginning, containing 2,525,682 square feet or 57.98 acres,
12 more or less;

13 WHEREAS, the real property adjacent to the area included within the site
14 plan for this amendment to the community unit plan will not be adversely affected; and

15 WHEREAS, said site plan together with the terms and conditions
16 hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln
17 Municipal Code to promote the public health, safety, and general welfare.

18 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
19 Lincoln, Nebraska:

20 That the application of Nebraska Nurseries, Inc., hereinafter referred to as
21 "Permittee", to amend The Preserve on Antelope Creek Community Unit Plan to waive
22 the rear setback requirements for Lots 20-42, Block 1, adjacent to Antelope Creek, on
23 the property legally described above, be and the same is hereby granted under the
24 provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon
25 condition that construction and operation of said community unit plan be in strict
26 compliance with said application, the site plan, and the following additional express
27 terms, conditions, and requirements:

1 1. This permit waives the rear setback at for Lots 20-42, Block 1,
2 provided there is no encroachment into the 100-year floodplain for Antelope Creek as
3 shown on the plan.

4 2. Before receiving building permits:

5 a. The Permittee must submit a revised and reproducible final
6 plan with five copies.

7 b. The construction plans must conform to the approved plans.

8 4. Before occupying the dwelling units, all development and
9 construction must be completed in conformance with the approved plans.

10 5. All privately-owed improvements must be permanently maintained
11 by the Permittee or an appropriately established homeowners association approved by
12 the City Attorney.

13 6. The site plan approved by this permit shall be the basis for all
14 interpretations of setbacks, yards, locations of buildings, location of parking and
15 circulation elements, and similar matters.

16 7. The terms, conditions, and requirements of this resolution shall be
17 binding and obligatory upon the Permittee, its successors, and assigns. The building
18 official shall report violations to the City Council which may revoke the special permit or
19 take such other action as may be necessary to gain compliance.

20 8. The Permittee shall sign and return the City's letter of acceptance
21 to the City Clerk within 30 days following approval of the special permit, provided,
22 however, said 30-day period may be extended up to six months by administrative
23 amendment. The City Clerk shall file a copy of the resolution approving the special

1 permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be
2 paid in advance by the Permittee.

3 9. The site plan as approved with this resolution voids and
4 supersedes all previously approved site plans, however, all resolutions approving
5 previous permits remain in force unless specifically amended by this resolution.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2004:

Mayor